

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 15, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOSEPH M.,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of the Social Security
Administration,¹

Defendant.

No: 2:20-CV-00451-LRS

ORDER GRANTING STIPULATED
MOTION TO REMAND

BEFORE THE COURT is the parties' Stipulated Motion to Remand pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 25. The Plaintiff is represented by Attorney Chad L. Hatfield. The Defendant is represented by Special Assistant United States Attorney Christopher J. Brackett.

¹Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

ORDER ~ 1

1 After consideration, **IT IS HEREBY ORDERED** that the Stipulated
2 Motion to Remand, **ECF No. 25**, is **GRANTED**. The Commissioner's final
3 decision is reversed and remanded for further proceedings pursuant to sentence
4 four of 42 U.S.C. § 405(g). Upon remand to the Commissioner of Social Security,
5 the Appeals Counsel should remand this case to the Administrative Law Judge
6 (ALJ). On remand, the ALJ will offer Plaintiff the opportunity for a new hearing,
7 take any further action necessary to complete the administrative record, and issue a
8 new decision. The ALJ will further evaluate Plaintiff's residual functional
9 capacity and, in doing so, fully evaluate all limitations set forth in the opinion
10 evidence of record. The ALJ will also obtain supplemental vocational expert
11 evidence to clarify the effect of the assessed limitations on Plaintiff's ability to
12 perform other work available in significant numbers in the national economy.
13 Upon proper presentation, this Court will consider Plaintiff's application for costs
14 and attorney's fees under 28 U.S.C. § 2412(d).

15 It is **FURTHER ORDERED** that Plaintiff's Motion for Summary
16 Judgment, **ECF No. 22**, is **DENIED** as moot, given the parties' motion for
17 remand.

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1 The District Court Executive is hereby directed to enter this Order and
2 provide copies to counsel, enter judgment in favor of the Plaintiff, and **CLOSE** the
3 file.

4 **DATED** February 15, 2022.

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7 LONNY R. SUKO
8 Senior United States District Judge
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